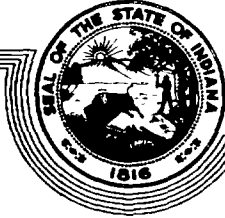


STATE • INDIANA



INDIANA UTILITY REGULATORY COMMISSION
302 W. WASHINGTON STREET, SUITE E-306
INDIANAPOLIS, INDIANA 46204-2764

<http://www.state.in.us/iurc/>
Office: (317) 232-2701
Facsimile: (317) 232-6758

IN THE MATTER OF THE PETITION OF)
FALLING WATERS HOMEOWNERS)
ASSOCIATION, INC. D/B/A FALLING WATERS)
TELECOM FOR A CERTIFICATE OF)
TERRITORIAL AUTHORITY TO PROVIDE)
SWITCHED AND SPECIAL ACCESS LOCAL)
EXCHANGE TELECOMMUNICATIONS,)
INCLUDING CALLER ID, TO A RESIDENTIAL)
DEVELOPMENT IN PORTER COUNTY,)
INDIANA AND FOR AN ORDER DECLINING)
TO EXERCISE JURISDICTION PURSUANT TO)
I.C. § 8-1-2.6)

FILED

FEB 02 2003

INDIANA UTILITY
REGULATORY COMMISSION

CAUSE NO. 42388

You are hereby notified that on this date, the Indiana Utility Regulatory Commission has caused the following entry to be made:

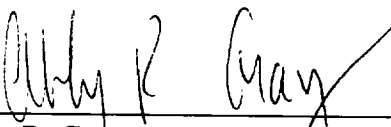
On February 25, 2003, Petitioner, Falling Waters Homeowners Association, Inc. d/b/a Falling Waters Telecom ("Petitioner") filed the above-captioned Petition with the Commission. On May 9, 2003, the Indiana Office of the Utility Consumer Counselor ("OUCC") filed a Motion for Clarification and for Extension of Procedural Schedule. In its Motion, the OUCC states that this case involves unique and legal issues that may or may not be analogous to issues addressed by the Commission in Cause No. 41462, *In the Matter of E.Com Technologies, LLC*. OUCC states that pursuant to the procedural schedule, the OUCC anticipated that Petitioner would file testimony addressing certain issues in addition to the evidence regarding petitioner's technical, managerial and financial qualifications. However, petitioner filed no such testimony. Therefore, OUCC states it is not prepared to file testimony absent testimony from Petitioner explaining the manner in which petitioner intends to provide its services, Petitioner's qualifications to provide those services and some proposal for regulatory treatment of Petitioner, given the circumstances.

OUCC asks the Commission for clarification as to whether petitioner should submit additional evidence, and if the Commission so determines, for additional time to prefile OUCC testimony. OUCC additionally states that if the Commission feels the petition in this Cause-without supporting testimony or verification-is sufficient on which to rule, the OUCC requests the Commission clarify the procedural schedule to reflect the fact that the petition in this Cause constitutes Petitioner's case-in-chief and no other filing is required and that the OUCC be given at least an additional two weeks to prepare and file testimony.

The OUCC filing appears to be an invitation to make a determination on the sufficiency of the evidence before a hearing is conducted. The presiding judge is unwilling to do so. Petitioner carries the burden of proof throughout the proceeding to obtain a CTA. Each party is responsible to review the prefiled evidence, develop a position and decide whether to file testimony. If the OUCC believes there are deficiencies in Petitioner's case, the OUCC should so inform the Commission in its prefiled evidence.

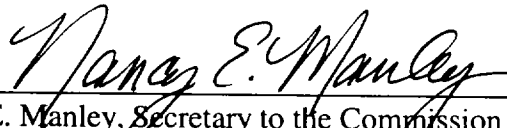
As a result of the decision in this docket entry, the hearing set for Friday June 6, 2003, should be continued and counsel should confer to discuss a revised procedural schedule and file such with the Commission.

IT IS SO ORDERED.



Abby R. Gray, Administrative Law Judge

Date: 6/02/03



Nancy E. Manley, Secretary to the Commission